Previous references.

File No. 115 of 00-0

1900-01

(Police)

Serial Nos. 1 — 10

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 10

Major ~~Part B. for~~ April 01

SUBJECT.

Illegal Search and Seizure of Property made by the British Police in the Mysore Territory, within the Knowledge of the local magistracy —

From The Asst Magte, Shimoga, No 198/23 of 22 Aug 00.

I Brings to notice that the Police Jamadar of Sirsi Taluk, caused the houses of several persons in the Sorab Tk to be searched without the knowledge of the local Magistracy —

2 To the Asst Magte, Shimoga. No 3606/9391 of 6.9.00 Requests ~~to be informed~~ him to forward the Sorab Amildar magistrate's Bills No 120 of 11.8.00 with the papers connected thereon

G. R. S. 58

3 From the Asst Magte Shimoga, No 260/28 of 6.9.00 Sends the above as requested —

4 the 7. A R, No 4242/1436 of 17 — 9-00
Forwards a copy of the letter 198 of 22-8-00 for favour of such action as the Resident may deem fit to take.

5 From the 7 A R, No 5459/507-900 of 23. Oct 1900.
States that the Bombay Govt has been addressed in the matter and remarks on the delay in reporting the matter to the Residents

6 To the 7. A. R, No 6080/1665 of 31. 10. 00
Requests that the vernacular papers forwarded with letter No 4242/436 of 17. 9. 00 to be kindly returned—

7 From the 7. A. R, No 1165/507-1900 of 8. 3. 01
Forwards copy of a letter from the Govt of Bombay re. the irregularities committed in Mysore Territory and returns the vernacular papers as requested —

8 To the Asst Magte, Shimoga, No, 12564/1313 of 22.3.01
Forwards copies of correspondence received from the 7. A. R, calls for his explanation the delay in reporting the irregularities and requests to be furnished with the date on which the irregularies actually took place——

9 From the Asst Magte, Shimoga No 825/74 of 30. 3. 01
Submits explanation for the delay in reporting the irregularities in question

10 To the Asst Magte, Shimoga. No 13607/1409 of 12. 4. 01
States that the above is recorded —

P Giri Rau

Subject for order

Applying the provision of Sec. 82 to search warrants issued under Sec. 98 (which the Jamadar of Sirsi Pk might have as provided for by Sec. 101 Cr. Pro., the British Police Officer's search & seizure of property in certain houses of the Sorab Taluk even without the knowledge of the local police & Magistracy appears to be illegal in the same way as arrests under parallel circumstances would be as shown in Sec. (8)

Similar case of illegal search but combined with illegal arrest was brought to the notice of the Residency

SUBJECT Police

FILE No 115 Misc-01

SERIAL No.

Sec. 8 of E File of D 2 of 1897-8.

in this Office letter
No. 3256 / 3285 of 1st Sept.
1899 (Ser. (14)).

Ser 14 of E file of J 7 2 of 1897-8

Principe's commentaries
on Cr. Pro. V of 1898 put up
for reference to a paper sub
to the Councillor not having
come back yet I submit
another (private copy) edition of V of 1898 for
ref.

would be kept back.

28/8/01.

Subº

The Dº Magistrate's letter No $\frac{198}{23}$ of 22-8-00 reporting for the 1st time the illegal search was received in the J. Branch on 25-8-00.

The same was subº with references & an Office note on 28-8-00.

Connected papers in the case was called for in a draft to Dº Magistrate which was approved by Secretary on 4-9-00.

It was despatched on 6-9-00.

Reply from the Dº Magistrate No $\frac{260}{28}$ of 10th Septr 00 was received in J. Branch on 13th Septr 1900.

Draft thereon to Residency was approved & despatched to Residency on 18-9-00.

The original vernacular papers have gone to the Residency.

Subº 52

It is probable that the Patel assumed, made his report on the day of the irregular search & removal of property, but in the absence of the vernacular papers in question, this cannot be stated with any certainty.

As regards the delay, the Patel's report was dated the 23rd May, but the 2nd May (Sunday) first report [illegible] dated the 22nd Aug/00 and then as the vernacular papers were sent up

have had to be called
for. These records
are req^d. (in the
first instance) from
the D^r. Hosp^l. in the
15th Sept^r. & the
report made to the
Residency Surgeon
by him date the 17th
idem. The initial
delay of 3 months
will have to be
explained by the D^r
Hosp^l. & in this
again the personal
records in question
will be necessary
a draft to the

Residency as King
for the return of the
enclosed to Sub. for
approval. KK 27/10.

.10.00
28

Forwarded
shewn to the Dy.S
Dewan
for approval

(for
Dy.S)
K.C

S.Sub. to Dy. Dewan
with reference KK 31/10.
orders passed
with No. 14924 dated 23/10. KK

1953
The office should
be more expeditious.

31/10 1/11/53.

Dy. Sub to Dy. S Dewan
orders KK 1/11.

Subd. to See 4.
The date of the
search is not
stated and Police
reports should
be called for
to find out
the terms of
reports on the
subject before
reporting the
matter to the
Residency.
Draft subd. for
approval. RK 28/8

SECTION Police
FILE No. 115 of 99-01
SERIAL No. word 1

2122
25-8-00
1900 501

From The District Magistrate
of Khandesh (1)

To The Secy: to the Govt of Bombay
Genl & Rev: Depts

Dated 22nd August 1900

Despatched

Received

General No. 198 of 1900-01
No. 23

Enclosure No. —

Brings to notice that the Police
Jamedar of Kasai Taluka
caused the illness of several persons
in the village of Shendurni
in the Sirsab Taluka
by
deprived without the
knowledge of the local
police —

Secy
25.8.00
Please put up a file re
illegal arrests
[illegible]
27/8

J. F. No 2 of 1897-98 on the subj
put up.

28/8/1900

No. 198
23

Municipal Control
Deputy Commr's Office
Mysore 22nd August 1890.

To

SECTION
FILE No. Secretary to the Govt of Mysore
SER'AL No. Municipal and Revenue Departments

Sir,

I the Amildar Magistrate of Nagar in his No 120 dated 11th August Nagar in his No 120 dated 11th August 1890 reports that in connection with a certain case of dacoity alleged to have occurred in the house of one Ganapayya in the Siddapur Taluk, the Police Jamedar of Sirsi Taluk caused the houses of several persons in the village of Kumtagalale in the Nagar Taluk to be searched without the knowledge of the local Police; and that the said Jamedar finding in the house of one Durugya Setti some suspicious property (three goldcoins) took it with him without bringing the matter to the knowledge of the local Police Officer or the Amildar-Magistrate of Nagar.

2. In such cases, even if the search had been made by a Surgeon

Mysore Police Officer of a superior
district, & §§ Criminal Pro: Code require
that the Officers should be furnished
before the nearest Magistrate - In
cases of arrest the British Police can
act only with the warrant of a Magistrate
Though I am not aware of any
express rule on the subject of
searches, I cannot think that
the course adopted by the Police
of North Kanara District is right
I therefore report the circumstances
for such action, the Government
may be pleased to take in the
matter. —

Have the honor
Sir,
Your most obedient
H. Manjunadayya
District Magistr

SECTION Police

FILE No. 115 of 00-01

SERIAL No. 2

To.

The D. Magt.

Sherunga D.

Dated 28th Augt. 00.

No: 3606 Dated 6-9-1900.

3391

His letter No. 198/23

Dated 22nd Instant

Reporting an illegal search & seizure of property made in the house of Ishaq by the Police Jamadar Sirsi.

Has the honr

To request that
the Sorah Com...
may be
No. 1209/11 to
Instant with
connected papers,
~~therein referred~~
& may be for-
-warded to this office as early as possible
for
Secretariat
for return thereof
B. O

4/9/00

Secy.

2857/00 1899 to 1900 (4) 537/05

FROM The Assistant Resident Ukwiro

To The Secretary to the Board of Inspection

Dated 10th April and Rec: 8th

Despatched)

Received } September 1900

General No. 260

No. 4

Enclosure No. V. 6.

SUBJECT

FILE No. 1150/00-01

SER 41 No. 2

As per request in Memo No. 3606 dated 6th August 1900 from the Secretary to the Board of Inspection Dar es Salaam No. 120 dated 11th Augt. together with the Log connected therewith

Jnd Resident Ukwiro

05.9.00 Sent to order book. 15-9-00

[illegible]
13/9

1900 - 1901

From
The District Magistrate
Chanda

No.
To
The Secretary to the Board of Inspection
General and Com: Depts

Dated the 10th
Rec'd 12 } September 1900

No 260
24 Com: Dept: Inspn

Sir I am directed to
forward herewith
a copy of Government
Order No 1391
dated 6th September 1900.

As requested in the
above, I am to forward
herewith the Local
Municipal Registrar's Bill
No 120 dated 11th August 1900
with the papers connected
therewith.

H. Manjumdar

SECTION Police
FILE No. 1150/00
SERIAL No. 8 [illegible] 175

To The [illegible] to the
Resident Magistrate
Kisumu

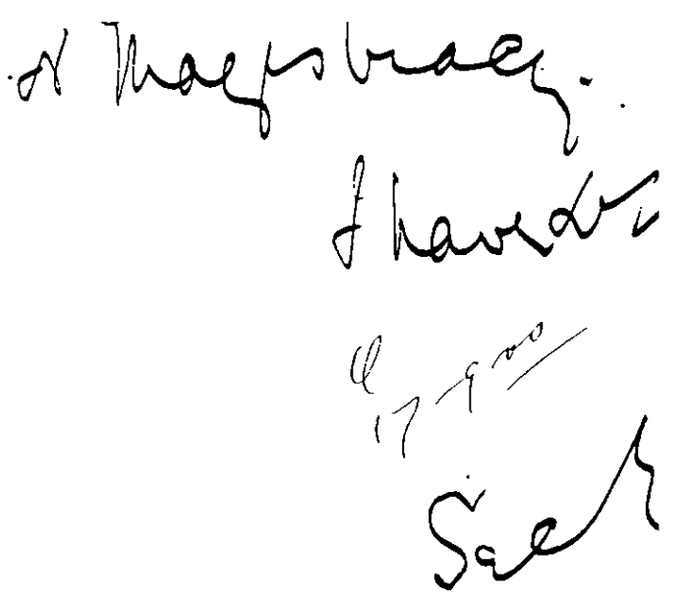
8th Sept-/00

No 4242 8/12/18/9/00
J436 Enc 1 + veri: papers

Sir,

I am directed
to forward herewith
such action as
the Resident may
deem fit to take
in connection with
the letter No.
198-2318 2nd Sept/00
from the District
Magistrate Kisumu
as to the person
alleged to have
committed the offence
and from that Officer

reporting the illegal
on the 23rd May last
search of four
houses in a village
in the Sorab Taluq of
this State and the
seizure of arms and
certain suspected
property from one of
these houses by the
Police Jamadar of
the Sorab Taluq in the
North Canara District in
connection with a
reported case of dacoity
in the Siddapur Taluq,
both in the Kanara
District and information
to the local Police



4-512
8-505

No. 5459
507-900

FROM

THE FIRST ASSISTANT TO THE RESIDENT

IN MYSORE.

Rec'd from P.C.O 24/10/1900

J. Sr Please see Hon'ble Dewan's letter attached

SECTION Police

FILE No. 115700-01 To

SER N No. 5

he Officiating Dewan of Mysore

Dated Bangalore, 23 October 1900

SIR,

I am directed to acknowledge the receipt of your letter No. 4242/J.436, dated the 18th September 1900 in which you bring to notice the illegal procedure of the Police of North Kanara in connection with the search of some houses and the removal of property therefrom in the Shimoga District.

2 The Government of Bombay have been addressed by the Resident on the subject and have been requested to issue the necessary instructions to prevent a recurrence of such irregularities. Colonel Robertson desires however to call the attention of the Durbar to the great delay which took place in bringing the matter to his notice. The report of the Patel was dated the 23rd May 1900 and the letter from the Durbar on the subject did not reach this office till the 18th September. It is moreover not yet clear on what date the occurrence actually took place. This may have been some time anterior to the Patel's report.

I have the honour to be,

Your most obedient servant,

First Assistant Resident

1st & 2nd Cancelled

SECTION W Police
FILE No. 115.900-4
SERIAL No. 6650

Acknowledged

Have taken & submit with the letter of D.C.P.

A.K. 31/10

Issued and submitted.

S.N. 31/10

To, The Chief Secretary to the Govt. of Punjab.

Sir, Adverting to your letter No. 5439-500 dated the 23rd instant, I am directed to request that the vernacular papers forwarded with my letter No. 6650 dated the 17th instant may be kindly returned when done with to enable this office to make further enquiries on the points referred to in the letter under

Referred to

acknowledgment. Sent.

Thanks —

See 2.

No. 1165 / 507-1900

From

The First Assistant to the Resident
in Mysore.

To

The Officiating Dewan of Mysore.

Dated, Bangalore, 8th March 1901.

SECTION Police
FILE NO. 115 of 00-01
SERIAL NO. 7

In continuation of my letter No-5459 dated the 23rd November 1900, I am directed to forward, for the information of the Durbar, a copy of a letter No.1020 dated the 13th February 1901 from the Government of Bombay in the Judicial Department, and of its enclosures, relative to the irregularities committed in Mysore territory by the British Police of North Kanara in connection with the search of certain suspected property.

2. The vernacular papers asked for in your office letter No.6080/J.665 dated the 31st October 1900, are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

L. Russell.

First Assistant Resident.

Encl 145 S47 (9a)

Copy of letter No: 1020 dated the 13th February 1901, from the Secretary to the Government of Bombay, to the Honorable the Resident in Mysore.

With reference to your letter No: 5463 507-900, dated the 23rd October 1900, relative to the irregularities committed in Mysore territory, by the British Police of North Kanara in connection with the Search of certain suspected property, I am directed to forward herewith extract of paragraphs 3 and 4 from a Memorandum No: P-145, dated the 18th January 1901, fr the Commissioner of the Southern Division in the Bombay Presidency together with an extract from a letter No: 79, dated the 10th January 1901, from the District Superintendent of Police, Kanara.

Extracts paragraphs 3 and 4 from a Memorandum No: P. 145 dated the 18th Januar

1901

1901, from the Commissioner, Southern Division.

—

3. It is clear that the irregularities complained of have occurred. The search of the houses in question should not have been made by the Kanara Police without the assistance of the State Police, and the property seized should have been taken to the nearest magistrate of the Mysore State. The Kanara Police deny having been asked to give a copy of the list of property seized. Whether such a request was really made or not is a matter about which there is not sufficient evidence to form a conclusion upon, but in any case in view of the greater irregularity committed it is of not much importance.

4. The District Superintendent of Police has been requested to see that such irregularities do not recur.

Extract from a letter No. 19 dated the 10th January 1901, from the District Superintendent of Police, Kanara.

A dacoity was committed on 25th April 1900 at Madankalvo, a village in the Siddapore Taluka, in the house of a wealth landlord and ornaments and cash of the total value of Rs. 9783-8-0 were removed therefrom by dacoits. Accordingly from enquiries instituted a greater part of the property stolen was found in the houses of persons residing in the villages of Konankoppa, Bhdrapur, and Samaji in the Dharwar District and some 12 accused were subsequently arrested and have since then been convicted and sentenced by the Sessions Court. During the investigation a clue was obtained that a sonar, Manja Shetti by name was the leader of the gang or the person that had planned the dacoity, and that he had relatives in Kunlagal in the Mysore territory and that part of the remaining stolen property could be found there. Accordingly a Second class Head Constable was deputed by the

Inspector of Police to go and make
inquiries. The Head Constable who proceeded
thither being given to understand that
Sorab Taluka, Head quarter Police Station
was some 16 miles away, and fearing that
he sent for, and waited for the
assistance of the Mysore or ~~the~~ local
police to turn up, that the property
would have been done away with, he
with the assistance of the village
police Patel searched the house in question
and attached some property.

"Copy"
M M Deric
Registrar.

18

Draft submitted for [illegible]

To,

The Dt magte of
Shimoga.

SECTION Police
FILE No. 115 Poo-01
SERIAL No. 87

Dated 22nd march 01.

no - 12564 m. 3+1 pte
1313

With reference to
correspondence end-
-ing with his Docket
no 260/26 dated the 10th
September last,
in re the irregular-
ities committed
in the Sorab Taluk
by the British
Police of South Canara
in connection with

the

the search of certain suspected property, has the honour to forward for information copies of the marginally noted correspondence recd from the 1st Asst to the Resident-in-mysore, and to request that an explanation for the delay of nearly 3 months, from 23rd may 1900, on which date the Patel of Kunigalale village, in the Gowb Taluk reported the occurrence of the irregularities

X 1. Letter no 5459/507-900 dt from the 1st Asst to the Resi to the offg Dewan of

2. Do no 1165/507-1900 dt 8-3-01 from Do to Do -

3. Letter no 1020 dt 13-2-0 from the Secy to the Govt to the ~~Asst~~ Resident in mysore.

4. Extracts of paragraphs 3 & 4 from a memor no P. 165 dt 18-1-01. from Commr, Southern D

5. Extract from a le no 79 dt 10-1-01 from

referred to the Assistant Magistrate of Sohrab, may be submitted to this office as early as possible.

2. The A.M. may be further requested to ascertain & report ~~whether~~ the land-date ~~the~~ ~~ascertained by the~~ the ~~ascertained by the~~ ~~ascertained by the~~ ~~ascertained by the~~

J 1162.

(General Serial No. 80.) 11197 / 3-4-01. 1900-1901

2.

SECTION Police
FILE No. 115 of 00
SERIAL No. 9.

From The District Magistrate Shimoga

To The Secretary to the Govt of Mysore Genl & Rev. Dept.

Dated 30th March 1901

Despatched

Received

General No. 825 } 190 .
No. 74

Enclosures Number. nil

With reference to docket No 12564/J1313 dated 22nd instant submits explanation for the delay in reporting the irregularities connected with the search by the British Police of certain suspected property in the Sorab Taluk etc.

The Patels report dated 23. 5. 1900
— do — received by the Amildar and referred to Police Inspector on 27. 5. 1900

do. received by the Inspector and referred to the Chendragutti Station Daffedar on 9. 6. 1900

do. received by the Daffedar on 14. 6. 00

Patels statement recorded by do on 11. 7. 00

Daffedar's report to the Inspector on 12. 7. 00

do — received by the Insp.r and sent back for further report on 4. 7. 00

Daffedar's further report on 25. 7. 1900

— do — received and forwarded by the Jamedar on — 30. 7. 1900

do. received & forwarded by the Inspector to the Amildar on 5. 8. 1900

Amildar's report to the Sub. Dy. Magistrate of Sagar on 11. 8. 1900

Sub. Dy. Magistrate's yadi to District Magistrate 16. 8. 1900

Received by the Dist. Magte on 20. 8. 00

& reported to Govt on — 22. 8. 00

Jud
Refees put up
DWB
4/4/01.

Submitted.
& Recd. DWB
4/4/01.

The delay
5/4/01

No. 825
74

Deputy Commr's Office
Shimoga District
30th March 1901.

To

The Secretary to the Govt of Mysore
General and Rev: Department

Sir,

With reference to your docket No. 12564/1313 dated 22nd instant requesting the submission of an explanation for the delay in bringing to the notice of the Government the irregularities connected with the search by the British Police of certain suspected property in the Sorab Taluk etc., I have the honour to state that the delay was due to the Patels'

report to the Huildar having
been delayed in correspondence
for the purpose of inquiry
and report with the several
officers in the manner shewn
in the margin.

Only the Station-
House Daffedar of Chendragutti
unnecessarily delayed Exa-
mining the Patel and sending
up his report.

The Superintendent
of Police has been requested
to take notice of this and
to prevent such delays in
future.

As regards the date
of the occurrence of the said
irregularities, I beg to state
that the Patel in his statement
recorded by the Station House

Daffedar of Chendraguli,
has stated that it was on
the 23rd May 1900 and his
report to the Amildar was
made on the very day.

I have the honour to be
Sir,
Your most obedient Servant
A. L. Manjunadayya
District Magistrate

Police

115 900-01

10

Draft submitted for appl.

24

Read,

12

Letter no 825/74 dated the 20th march 1901, from the Dt magte of Shimoga, stating with reference to the delay noticed in this office Correspondence no 12564 dated 22-3-01, that it was caused in the main due to the non-receipt for a long time of reports by the Postal of Kuntagodla to the Station House officer of Chennagatti. who

and that the Superintendent
of police has been
requested to take
notice of the above
and to prevent such
delays in future.

order thereon. Re . . .

No: 13607 & 12-4-01.
1409

To,
The Asst Magistrate
of Shimoga.